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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,246	11/07/2001	Ronald Huber	1999P8051	2769
24131	7590	04/15/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			KEENAN, JAMES W	
		ART UNIT	PAPER NUMBER	
		3652	16	

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/014,246	HUBER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James Keenan	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 29 January 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-5,8-16,20-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,8-16,20-23 and 25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/29/04 has been entered.
2. Claims 1 and 25 are objected to because of the following informalities: --a-- or --the-- should be inserted before "vicinity". Appropriate correction is required.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-5, 8-16, 20-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ettelbruck (WO 99/10175) in view of Iwasawa (JP 63-37626, previously cited).

Ettelbruck shows an apparatus for fabricating articles, comprising fabricating units 1 for performing at least wet chemical processes, cleaning techniques, etc. in a room having longitudinal inner walls (not explicitly labeled but clearly seen in the figures), a transport system including a portal crane installation extending across the room and having parallel tracks 4 disposed in the vicinity of the inner walls, holding device 8 extendable in a vertical direction, carrier 3 extending transverse to the tracks

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and having ends at longitudinal sides thereof which are movably mounted in the tracks, bogie 7 guided in a rail guide of the carrier and to which the holding device is fixed such that the articles to be processed can be held by the holding device and manipulated in three-dimensions so that the fabrication units can be disposed in the room at positions independent of the transport system.

Ettelbruck does not show the articles to be semiconductor products disposed in a transport container to be processed in a clean room.

Iwasawa, as previously noted, shows an overhead transport system in a clean room environment wherein semiconductor products are disposed in containers 15 which are brought to fabrication units 13 by the overhead transport system.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Ettelbruck by utilizing the apparatus in a clean room environment to perform processing on semiconductor products held in containers, as shown by Iwasawa, as this would simply be the use of a well known transport system in an installation to perform fabrication processes on different articles, which would neither require undue experimentation nor produce unexpected results.

5. Claims 1-5, 8-16, 20-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasawa in view of Ettelbruck.

As noted previously, Iwasawa shows the invention essentially as claimed except the carrier moves along the track only in a single dimension.

Ettelbruck, as noted above, shows a carrier extending transversely between tracks such that a bogie can move therealong, as well as showing the tracks disposed along walls of the room.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Iwasawa by mounting the holding device on a bogie mounted for transverse movement along the carrier, itself extending between tracks disposed near inner longitudinal walls of the room, as shown by Ettelbruck, as this would enable the holding device to reach any fabricating unit in three-dimensions and thus allow the fabricating units to be disposed in the clean room independent of the transport system.

6. Applicant's arguments with respect to claims 1-5, 8-16, 20-23, and 25 have been considered but are moot in view of the new ground(s) of rejection.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 703-308-2559. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Keenan  
Primary Examiner  
Art Unit 3652

jwk  
4/12/04